

**COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE**

March 13, 2000

D033671 People v. Marshall

Judgment affirmed. Haller, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

Court convened at 9:00 a.m.

Present: The Honorable Daniel Kremer, Presiding Justice, and The Honorable Associate Justices Richard Huffman and Gilbert Nares

Deputy Clerk: D. E. Moore

D033074 People v. Larios

Cause called on merits. Megan A. Richmond, Esq. argued for appellant. Ilana Cohen, Deputy Attorney General argued for respondent. Cause submitted.

D033405 People v. Vargas

Cause called on merits. William M. McGuigan, Esq. argued for appellant. David Delgado-Rucci, Deputy Attorney General argued for respondent. Cause submitted.

D032405 Briggs Plumbing Products, Inc. v. National Union Fire Insurance Company

Cause called on merits. David W. Baumgarten, Esq. argued for appellant. Susan J. Gill, Esq. argued for respondent. Mr. Baumgarten replied for appellant. Cause submitted.

D032704 Judith E. Bernier v. Elcotel, Inc.

Cause called on merits. Sheri Pym, Esq. argued for appellant. Robert J. Hanna, Esq. argued for respondent, Elcotel, Inc. Kevin J. Stack, Esq. argued for respondent, Protel, Inc. Ms. Pym replied for appellant. Cause submitted.

Court recessed at 10:25 a.m. until 1:30 p.m.

D035180 City of San Diego v. Superior Court of San Diego County/Vista Del Cerro Homeowners Association.

The petition is denied.

D035104 In re Pogue on Habeas Corpus

The petition is denied.

D034862 In re Wallace on Habeas Corpus

The petition is denied.

D034059 City of Chula Vista v. Superior Court of San Diego County/Charles Keith Hawkins

Let a writ of mandate issue directing the superior court to vacate its order denying summary judgment and enter a new order granting summary judgment. The stay issued on November 15, 1999, will vacate upon issuance of the remittitur. City is awarded costs on the petition. Huffman, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.

**COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE**

March 13, 2000 (Continued)

D035203 Polite v. Superior Court of San Diego County/Wilson
The petition is denied.

D033127 People v. Campos
Judgment affirmed. Work, J.; We Concur: Kremer, P. J., Huffman, J.

D034800 Jason Green, a Minor, etc. et al. v. C. A. Rasmussen, Inc.
Pursuant to California Rules of Court, rule 10(c), the appeal filed December 15, 1999, is dismissed for failure of appellant to timely deposit costs for preparing the record on appeal (Cal. Rules of Court, rules 4(c) and 5(c)).

D032477 People v. Bourquin
The petition for rehearing is granted. The parties shall respond to the question whether this case should be dismissed as moot. Briefing on the issue of mootness/dismissal is due in rule time. The motion to amend notice of appeal and for relief from default is denied.

Court reconvened at 1:30 p.m.

Present: The Honorable Daniel Kremer, Presiding Justice, and The Honorable Associate Justices Patricia Benke and Richard Huffman
Deputy Clerk: D. E. Moore

D032554 Kolar v. Mobil Oil Corporation
Cause called on merits. Daniel Kelsberg, Esq. argued for appellant. Chris M. Amantea, Esq. argued for respondent, Mobil Oil Corporation. Hany S. Fangary, Esq. was present in oral argument for respondent, but did not argue. Mr. Kelsberg replied. Cause submitted.

Court recessed at 1:45 p.m. to change panel members. New panel members: The Honorable Daniel Kremer, Presiding Justice, and The Honorable Associate Justices Richard Huffman and Gilbert Nares

D033568 People v. Martinez
Cause called on merits. Robert E. Boyce, Esq. argued for appellant. Lisa Simmons, Deputy Attorney General argued for respondent. Cause submitted.

Court recessed at 1:56 p.m. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Richard Huffman and Gilbert Nares

D031662 Murray v. Oceanside Unified School District
Cause called on merits. Myron Dean Quon, Esq. argued for appellant. Daniel R. Shinoff, Esq. argued for respondent. Mr. Quon replied for appellant. Cause submitted.

**COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE**

March 13, 2000 (Continued)

Court recessed at 2:32 p.m. to change panel members. New panel members: The Honorable Don Work, Acting Presiding Justice and The Honorable Associate Justices Richard Huffman and Gilbert Nares

D033035 Crawford v. Sallie Mae Servicing Corporation

Cause called on merits. Douglas J. Crawford, argued for appellant in pro per. Mitchell J. Albert, Esq. argued for respondent, Sallie Mae Servicing. Robert H. Plaxico, U. S. Attorney's Office argued for respondent, Riley. Mr. Crawford replied. Cause submitted.

Court recessed at 2:45 p.m. until Tuesday, March 14, 2000 at 9 a.m.

D035082 CSK Auto, Inc. v. Superior Court of San Diego County/Hines et al.

The petition is denied.

**COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE**

March 14, 2000

D034900 Phillip S. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is dismissed. Work, Acting P.J.; We Concur: Benke, J., McIntyre, J.

D030864 Campbell et al. v. Scripps Bank

That part of the judgment awarding Scripps Bank \$8,159 in attorney fees and costs is reversed. In all other respects, the judgment is affirmed. The parties are to bear their own costs.

CERTIFIED FOR PUBLICATION. Work, Acting P.J.; We Concur: Nares, J., O'Rourke, J.

D031457 Concha et al., v. KIFM Broadcasting Limited Partnership et al.,

The judgment is affirmed. Kremer, P. J.; We Concur: Work, J., Huffman, J.

Court convened at 9:00 a.m.

Present: The Honorable Daniel Kremer, Presiding Justice, and The Honorable Associate Justices Richard Huffman and Judith Haller

Deputy Clerk: D. E. Moore

D032977) Kevin Smith v. Michael Morgan

D033144) Michael Morgan v. Kevin Smith

D033226) Michael Morgan v. Kevin Smith

Cause called on merits. Lowell F. Sutherland, Esq. argued for appellant. Matthew J. Liedle, Esq. argued for respondent. Mr. Liedle replied. Cause submitted.

Court recessed at 9:35 a.m. to change panel members. New panel members: The Honorable Daniel Kremer, Presiding Justice, and The Honorable Associate Justices Richard Huffman and Gilbert Nares

D031679 Mary Masters v. Sulzer Medica

Cause called on merits. Terry J. Traktman, Esq. argued for appellant. Hugh McCabe, Esq. argued for respondent, Carbo Medica and etc. Gary Jones, Esq. argued for respondent, Sussman. Mr. Traktman replied. Cause submitted.

D030865 East County Physicians Medical Group, Inc. v. Aetna Life & Casualty Insurance

Cause called on merits. Curtis A. Cole, Esq. argued for appellant. Louis B. Rubin, Esq. was present in oral argument for appellant, but did not argue. Jeffrey M. Shohet, Esq. argued for respondent, Aetna Health Plans. Mr. Cole replied. Cause submitted.

Court recessed at 10:55 a.m. until 1:30 p.m.

D031288 People v. Thomas et al.,

The petition for rehearing is denied.

D032543 People v. Iverson

The judgment is affirmed. Huffman, J.; We Concur: McDonald, J., O'Rourke, J.

**COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE**

March 14, 2000 (Continued)

Court reconvened at 1:30 p.m.

Present: The Honorable Don Work, Acting Presiding Justice, and The Honorable Associate Justices Richard Huffman and Judith Haller

Deputy Clerk: D. E. Moore

D031356 Patricia A. Berry v. Kaiser Foundation Health Plan, Inc.

Cause called on merits. Kurtz Fritz, Esq. argued for appellant. Teresa Trucchi, Esq. argued for respondent. Mr. Fritz replied. Cause submitted.

Court recessed at 1:46 p.m. to change panel members. New panel members: The Honorable Richard Huffman, Acting Presiding Justice and The Honorable Associate Justices Alex McDonald and James McIntyre

D033188 People v. Ditimus

Cause called on merits. Michael J. McCabe, Esq. argued for appellant. Marvin Mizell, Deputy Attorney General argued for respondent. Mr. McCabe replied. Cause submitted.

Court recessed at 2:08 p.m. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Richard Huffman and James McIntyre

D031167) Thomas Antorietto v. Atkinson

D032174) Thomas Antorietto v. Regents of the University of California

Cause called on merits. Richard A. Higgins, Esq. argued for appellant. Richard A. Paul, Esq. argued for respondent. Mr. Higgins replied for appellant. Cause submitted.

Court recessed at 2:45 p.m. until Wednesday, March 15, 2000 at 9:00 a.m.

D033469 People v. Michael Harris

D033535 In re Harris on Habeas Corpus

(consolidated) Judgment affirmed. Petition denied. O'Rourke, J.; We Concur: Kremer, P.J., Work, J.

D034314 In re Jasmine M., a Juvenile

Judgment affirmed. Kremer, P.J.; We Concur: Huffman, J., McIntyre, J.

**COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE**

March 15, 2000

**D035224 Frontier Pacific Insurance Company v. Superior Court of San Diego
County/ St. Paul Mercury Insurance Company**
The petition is denied.

D034380 People v. Anthony James Lopez
Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 19(b)).

D031568 Ivey v. California Casualty Insurance Company
The request for publication of the opinion is denied.

D031568 Ivey v. California Casualty Insurance Company
The petition for rehearing is denied. The motion to take judicial notice in support of petition for rehearing is denied as moot.

D032059 People v. Shaune Huggins
The request for publication of the opinion is denied.

D032059 People v. Shaune Huggins
The petition for rehearing is denied.

Court convened at 9:00 a.m.

Present: The Honorable Daniel Kremer, Presiding Justice, The Honorable Associate Justice Patricia Benke and Assigned Judge Marguerite Wagner
Deputy Clerk: D. E. Moore

D032159 Kamala Balasubramanian v. San Diego Community College District
Cause called on merits. Lloyd Edward Tookes, Esq. argued for appellant. Jeffrey A. Morris, Esq. argued for respondent. Mr. Tookes replied for appellant. Cause submitted.

Court recessed at 9:20 a.m. until 10:30 a.m.

Court reconvened at 10:30 a.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Gilbert Nares and James McIntyre

D028955) Jacob Maghsoudi v. Pickford Realty Ltd.

D029452) Jacob Maghsoudi v. Dewey Services, Inc.

Cause called on merits. Leon E. Campbell, Esq. argued for appellant. Darin L. Wessel, Esq. argued for respondent, Pickford Realty Ltd. and etc. Lewis N. Cole, Esq. argued for respondent, Dewey Services. Mr. Campbell replied for appellant. Cause submitted.

**COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE**

March 15, 2000 (Continued)

Court recessed at 11:03 a.m. to change panel members. New panel members: The Honorable Don Work, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and James McIntyre

D033590 Richard Davison v. Sun Cha Ryan, et al.

Cause called on merits. Richard Davison, was present in oral argument for appellant in pro per, and submitted his oral argument on the AGENDA that was submitted to the court. No appearance by respondent's counsel. Cause submitted.

D032550 People, etc. v. Michael Larel Edmonson

Cause called on merits. Randall Bookout, Esq. argued for appellant. Bob Foster, Deputy Attorney General argued for respondent. Mr. Bookout replied. Cause submitted.

Court recessed at 11:20 a.m. to change panel members. New panel members: The Honorable Don Work, Acting Presiding Justice, and The Honorable Associate Justices Patricia Benke and Judith Haller

D031414 Kyle Carden v. County of San Diego

Cause called on merits. Charles W. Rees, Jr., Esq. argued for appellant. Joseph T. Kutyla, Esq. argued for respondent, Muchin. Susan L. Oliver, Esq. argued for respondent, Clarkson. Deborah Nash, Deputy County Counsel argued for respondent, County of San Diego. Mr. Rees replied for appellant. Cause submitted.

Court recessed at 12 noon until 1:30 p.m.

D035072 M.D.K. Development, Inc. v. Dowlatshahi

Pursuant to California Rules of Court, rule 10(c), the appeal filed February 8, 2000, is dismissed for appellant's failure to timely designate the record (Cal. Rules of Court, rules 4(a) and 5(a)).

D033501 People v. Davis

Judgment affirmed. Benke, Acting P.J.; We Concur: Huffman, J., McIntyre, J.

D032982 People v. Soto

The sentence is reversed and the matter is remanded for resentencing based on appellant having one prior strike conviction. Kremer, P.J.; We Concur: Huffman, J., Nares, J.

D033452 People v. Glover

Judgment affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

D033291 People v. Manos

Judgment affirmed. Work, J.; We Concur: Kremer, P.J., Huffman, J.

D033781 People v. Erum

Judgment affirmed. Kremer, P.J.; We Concur: Huffman, J., Haller, J.

**COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE**

March 15, 2000 (Continued)

D033745 **People v. Sylvia**
Judgment affirmed. O'Rourke, J.; We Concur: Work, Acting P.J., McDonald, J.

D032209 Antuan Tejo, a Minor, etc. v. Scripps Memorial Hospital-Chula Vista et al.
The parties have settled. The petition for compromise of disputed claim of a minor has been approved by the superior court. Pursuant to the stipulation of the parties, the appeal is dismissed. The remittitur is ordered to issue immediately. Each party to bear own costs on appeal.

Court reconvened at 1:30 p.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Terry O'Rourke
Deputy Clerk: D. E. Moore

D032125 People v. Frank Tokash
Cause called on merits. Thomas D. Mauriello, Esq. argued for appellant. Matthew C. Mulford, Deputy Attorney General argued for respondent. Mr. Mauriello replied for appellant. Cause submitted.

D031822) People v. Louis Avil Scott and Rachel Wagner
D031726) People v. Anthony Scott
Cause called on merits. Stuart A. Skelton, Esq. argued for appellant, Scott. Shawn O'Laughlin, Esq. argued for appellant, Wagner. Patti W. Ranger, Deputy Attorney General argued for respondent and submitted additional authorities. Cause submitted.

D030804 Tiburcio Cruz v. Michael Cox
Cause called on merits. Terry Singleton, Esq. argued for appellant. Peter Abrahams, Esq. argued for respondent. Charles A. Viviano, Esq. replied for appellant. Cause submitted.

Court recessed at 3 p.m. to change panel members. New panel members: The Honorable Daniel Kremer, Presiding Justice, and The Honorable Associate Justices Patricia Benke and Alex McDonald

D031215 McBride-Newell, Inc. v. Good Guys - California, Inc.
Cause called on merits. J. David Franklin, Esq. argued for appellant. Alexander Schack, Esq. argued for appellant. Richard M. Segal, Esq. argued for respondent, Airtouch Cellular and etc. Paul Salvaty, Esq. argued for respondent, Office Depot. Donald G. Rez, Esq. argued for respondent, Costco Companies and etc. Steven C. Gonzalez, Esq. argued for respondent, U S West New Vector Group. Mr. Franklin replied. Mr. Schack replied. Cause submitted.

Court recessed at 4:10 p.m. until Thursday, March 16, 2000 at 9 a.m.

**COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE**

March 16, 2000

D035170 People v. Charles R. Austin, Jr.

The court's order filed March 6, 2000, is modified to read "Appellant's request for a certificate of probable cause having been denied and appellant having raised no issue regarding denial of a suppression motion, sentencing or other matter occurring after the plea, the appeal is dismissed.

Court convened at 9:00 a.m.

Present: The Honorable Don Work, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and James McIntyre
Deputy Clerk: D. E. Moore

D032637 Carole Novak v. Barry A. Pasternack

Cause called on merits. Laurence F. Haines, Esq. argued for appellant. Thomas J. Vandeveld, Esq. argued for respondent. Mr. Haines replied for appellant. Cause submitted.

D030967) K. Martin White v. Wah Sue Lim

D031678) K. Martin White v. Wah Sue Lim

Cause called on merits. Louis E. Goebel, Esq. argued for appellant. Richard H. Nakamura, Esq. argued for respondent. Mr. Goebel replied for appellant. Cause submitted.

D033264 Omid Hommy v. Farmers Insurance Exchange

Cause called on merits. Stephen J. Estey, Esq. argued for appellant. Dale A. Amato, Esq. argued for respondent. Mr. Estey replied for appellant. Cause submitted.

D031395 Pardee Construction Company v. California Iron Works

Cause called on merits. Charles L. Birke, Esq. argued for appellant. Brian Worthington, Esq. argued for respondent, California Iron Works. Timothy D. Lucas, Esq. argued for respondent, Sam Coutts Plastering, Inc. Mr. Birke replied for appellant. Cause submitted.

Court recessed at 10:55 a.m. until 1:30 p.m.

D031980 Christina Dudang v. Doctor Design, Inc.

The judgment is affirmed. McDonald, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

D035237 Livingston et al. v. Superior Court of San Diego County/Akcess Pacific Group et al.

The petition is denied.

Court reconvened at 1:30 p.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Terry O'Rourke
Deputy Clerk: D. E. Moore

**COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE**

March 16, 2000 (Continued)

D032441 Marc Halcon v. Kirk Harper

Cause called on merits. Charles D. Nachand, Esq. argued for appellant. Thorpe E. Nolan, Esq. argued for respondent. Mr. Nachand replied for appellant. Cause submitted.

D030706 Joseph Berger v. Faith Kung

Cause called on merits. Teresa Trucchi, Esq. argued for appellant. Carolyn Oill, Esq. argued for respondent. Ms. Trucchi replied for appellant. Cause submitted.

D032682 Gary E. Cavigliano v. Kathy Joanne Cavigliano

Cause called on merits. Robert Cohen, Esq. argued for respondent. Lizbeth A. Canizales, Esq. argued for appellant. Mr. Cohen replied for respondent. Cause submitted.

D031379 Ergun Bakall v. San Diego County Water Authority

Cause called on merits. Audrey Powers Thornton, Esq. argued for appellant/cross-respondent. Golnar J. Fozi, Esq. argued for respondent/cross-appellant. Ms. Thornton replied for appellant/cross-respondent. Cause submitted.

D028102) Peter Harper v. L. B. Elms Termite Control, Inc.

D029170) David Hardage v. Peter D. Harper

Cause called on merits. Charles F. Gorla, Esq. argued for appellant. Gregory D. Stephan, Esq. argued for respondent, L. B. Elms Termite Control, Inc. Robert B. Coffin, Esq. argued for respondent, Hardage. Antonia E. Martin, Esq. argued for respondent. Mr. Gorla replied for appellant. Cause submitted.

D033204 Garcia v. California State Personnel Board/Department of the Youth Authority

Cause called on merits. Elizabeth Schulman, Esq. argued for respondent/cross-appellant. Thomas W. Vallance, Esq. argued for r.p.i.-appellant/cross-respondent, Department of the Youth Authority. Barbara L. Sheldon, Esq. argued for amicus respondent, California Department of Correction. Karen J. Brandt, Esq. argued for respondent/cross-appellant, California State Personnel Board. Ms. Schulman replied. Cause submitted.

Court recessed at 3:50 p.m. until Friday, March 17, 2000 at 9 a.m.

D032618 El Toro Reuse Planning Authority et al. v. County of Orange; Taxpayers for Responsible Planning et al. v. County of Orange

The order is affirmed. Kremer, P.J.; We Concur: Work, J., McDonald, J.

D032261 People v. Garcia

The judgment is modified such that Garcia's sentence on count 2 is life with the possibility of parole plus 10 years for the personal use of a firearm. The judgment is affirmed in all other respects. CERTIFIED FOR PUBLICATION. McIntyre, J.; I Concur: McDonald J.; I Concur: Huffman, J. (opinion)

**COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE**

March 17, 2000

D035144 In re Marriage of Harris and Beresh

The trial court order setting the required undertaking at \$174,000 is excessive (including duplicative and non-existent measures of possible damages) and constitutes an abuse of discretion. The petition for writ of supersedeas is granted. A stay of enforcement of the judgment is granted conditioned upon the posting of a \$95,000 undertaking.

D035103 In re Taylor on Habeas Corpus

The petition is denied.

D032381 Lear et al. v. Board of Retirement of the San Diego County Employees Retirement Association et al.

The appeal is reversed. The parties shall bear their own costs on appeal. Kremer, P.J.; We Concur: Benke, J., Haller, J.

Court convened at 9:00 a.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Terry O'Rourke
Deputy Clerk: D. E. Moore

D033295 Provenzano v. Department of Consumer Affairs/Bureau of Automotive Affairs

Cause called on merits. Bennett Goodman, Esq. argued for appellant. Reginald Rucoba, Esq. argued for respondent. Mr. Goodman replied for appellant. Cause submitted.

D031701 People v. Manuel Gregorio Mena

Cause called on merits. Gary E. Nelson, Esq. argued for appellant. Crystal Bradley, Deputy Attorney General argued for respondent. Mr. Nelson replied for appellant. Cause submitted.

D032179 Dillon v. Burgart

Cause called on merits. Leon E. Campbell, Esq. argued for appellant. Matthew C. Kilman, Esq. argued for respondent. Mr. Campbell replied for appellant. Cause submitted.

D030667 Magone v. Maiorano

Cause called on merits. Kevin C. Young, Esq. argued for appellant. Kendra J. Hall, Esq. argued for respondent, and submitted additional authorities. Mr. Young replied for appellant. Cause submitted.

Court recessed at 10:13 a.m. to change panel members. New panel members: The Honorable Judith Haller, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Terry O'Rourke

D034014 Small v. Imperial County Superior Court/Barrett

Matter called on merits. Barbara Spiegel, Deputy Attorney General argued for petitioner. Eric Beaudikofer, Esq. argued for real party in interest. Ms. Spiegel replied for petitioner. Matter submitted.

**COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE**

March 17, 2000 (Continued)

Court recessed at 10:45 a.m. until 1:30 p.m.

D035254 U.S. Diagnostic, Inc. v. Superior Court of San Diego County/Pappajohn
The petition is denied.

D032625 Feurzeig v. Insurance Company of the West
The trial court's order denying sanctions is affirmed. In all other respects the judgment is reversed and the matter is remanded to the trial court for further proceedings in accordance with this opinion. Feurzeig's motions to dismiss ICW's cross-appeal, and for sanctions on appeal, are denied. Feurzeig is entitled to costs on appeal. McDonald, J.; We Concur: Work, Acting P.J., McIntyre, J.

D034965 In re Jiminez on Habeas Corpus
The petition is denied.

D029537 Shannon Packaging Company Services v. Olympia Terrace Corporation
Because Olympia has purposefully availed itself of the benefits of doing business in California, because its contacts with California are related to the claims being made against it and because it is reasonable for a California court to exercise jurisdiction over it, Olympia is subject to personal jurisdiction with respect to Shannon's complaint. The order quashing service of summons and the judgment dismissing the claims against Olympia is reversed. Appellant to recover its costs of appeal. Benke, Acting P.J.; We Concur: Huffman, J., Haller, J.

D032568 People v. Herrera
The petition for rehearing is denied.

Court reconvened at 1:30 p.m.

Present: The Honorable Don Work, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and James McIntyre
Deputy Clerk: D. E. Moore

D032132 Thomas v. ITT Hartford Insurance Group
Cause called on merits. Lann G. McIntyre, Esq. argued for appellant. John J. Immordino, Esq. argued for respondent. Ms. McIntyre replied for appellant. Cause submitted.

D032463 O'Harren v. McDonnell Douglas Corporation/US Air, Inc.
Cause called on merits. Charles A. Bird, Esq. argued for appellant. James W. Hunt, Esq. argued for respondent. Mr. Bird replied for appellant. Cause submitted.

Court recessed at 2:47 p.m. to change panel members. New panel members: The Honorable Don Work, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Alex McDonald

**COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE**

March 17, 2000 (Continued)

D033073 In re Maria G., a juvenile

Cause called on merits. Michon Hinz, Esq. argued for appellant. Barry Carlton, Deputy Attorney General argued for respondent. Ms. Hinz replied for appellant. Cause submitted.

Court recessed at 3:03 p.m. to change panel members. New panel members: The Honorable Daniel Kremer, Presiding Justice, and The Honorable Associate Justices Don Work and James McIntyre

D025411 James Keenan v. Dorothy Satten

Cause called on merits. John Morris, Esq. argued for appellant. Edward I. Silverman, Esq. argued for respondent. Cause submitted.

Court recessed at 3:15 p.m. until Monday, March 20, 2000 at 9:00 a.m.

D031231 San Diego Gas & Electric Company v. Employers Insurance of Wausau, et al.

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 19(b)). Each party to bear own costs on appeal.

D034348 People v. McGee

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately.